IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

&

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WA.No. 152 of 2007(A)

AGAINST THE JUDGEMENTIN OP.12496/2000 Dated 01/09/2006

.....

APPELLANTs: /PETITIONERs

---

1. HARI NAMBOOTHIRI P.V, L.D CLERK, PUBLIC WORKS DEPARTMENT, (NATIONAL HIGHWAY), MECHANICAL SUB DIVISION, ALLEPPEY.

2. SHAHUL HAMEED S.M, L.D CLERK, PUBLIC WORKS DEPARTMENT (ROADS SUB DIVISION) ALAPPUZHA.

3. THANKAMANI BHAI, L.D. CLERK, PUBLIC WORKS DEPARTMENT (SPECIAL SUB DIVISION), ALAPPUZHA

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS: RESPONDENTS

---

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, TRIVANDRUM,

2. THE SECRETARY, PUBLIC WORKS DEPARTMENT, GOVERNMENT OF KERALA, TRIVANDRUM.

3. THE CHIEF ENGINEER (ADMINISTRATION), PUBLIC WORKS DEPARTMENT, GOVT. OF KERALA, TRIVANDRUM.

4. AMEER JAN, UPPER DIVISION CLERK, PUBLIC WORKS DEPARTMENT, SPECIAL BUILDING SUB DIVISION, ALAPPUZHA.

BY GOVERNMENT PLEADER SHRI. SANDESH RAJA FOR R1 TO R3

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. Raman & Antony Dominic, JJ.
==========
W.A.No.152 of 2007
==========

Dated this the 6th day of March, 2007.

JUDGMENT

Raman,J.

Appellants are the petitioners in O.P.No.12496 of 2000. The Writ Petition was filed by them seeking to quash Exts.P5 and P6. Ext.P5 is dated 25.10.1990 and Ext.P6 is dated 1.4.1992. The Writ Petition was filed only in 2000. Grievance of the petitioners is that even though they are seniors in Ext.P1 seniority list, going by the seniority list many of the persons, who are juniors to them, have been promoted overlooking their seniority. The learned single Judge dismissed the Original Petition for non-joinder of necessary parties since none of the persons who according to the petitioners, were juniors to them and who were promoted, were made parties. We don't find any reason to disagree with the said finding. However, counsel appearing for the appellants would submit that in the statement filed for and on behalf of respondents 1 and 2, it is stated in paragraph 4 that the service records of the petitioners are being verified and if there is any anomaly, the same shall be rectified. Learned Government Pleader, on the other hand, has pointed out the statement in paragraph 5 that the

other persons were promoted because of the bifurcation and they were all working in the Irrigation Department. Even though the Writ Petition was dismissed, in view of the statement filed on behalf of respondents 2 and 3, the respondents shall do such follow up action for verification of the service records and inform the petitioners of the result therein.

Writ Appeal is dismissed subject to the above observations.

P.R. Raman,
Judge.

Antony Dominic,
Judge.

ess 14/3